THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 24476 OF 2006

Dated 4th January, 2007

Between:

Dontireddy Dinesh Reddy

… Petitioner

And

The Convenor, EAMCET-2006
S.V.Bhavan, Masabtank, Hyderabad
and another.

… Respondents

ORAL ORDER:

This writ petition has been filed for issuance of a writ of mandamus declaring the action of the respondents in not allowing the petitioner to prosecute his studies of the first year B.Pharmacy in the 2nd respondent-college as illegal, arbitrary and violative of Principles of Natural Justice.

The petitioner after securing rank of 9714 in the EAMCET – 2006, attended the counselling on 19.9.2006 conducted by the first respondent, wherein, he was allotted a seat in B.Pharmacy in second respondent college. On 22.9.2006, the second respondent-college issued notification in Eenadu daily newspapers informing all the students who were allotted seats in the said college to report at the college by 25.9.2006. Out of 48 students allotted by the Convener, only 46 students have reported and joined within the specified time. But, however, the petitioner did not report to the second respondent college. In the meanwhile, Acharya Nagarjuna University notified the academic schedule for commencement of the classes for 1st year B.Pharmacy students and as per the said schedule, the classes were commenced by the second respondent-college on 9.10.2006. As the petitioner had not reported to the college, though he was allotted a seat on 19.9.2006, the second respondent – college issued further publication on 27.10.2006 informing the petitioner to report to the college on 28.10.2006, and, in spite of the same, as the petitioner did not report to the college, the management of second-respondent college filled the said seat with another candidate on 30.10.2006, as the last date for admissions was notified as 30.10.2006.

It is the case of the petitioner that his admission was not cancelled by issuing any notice to him. In that view of the matter, the second respondent-college has no authority to admit any other candidate in the seat allotted to the petitioner.

In the counter affidavits filed on behalf of the respondents, it is stated that as the petitioner did not report to the second respondent-college before the last date notified for admission and after issuance of necessary paper publications, the said seat was filled up with another candidate on the last date notified for admissions, as the petitioner did not turn up till the last date. It is further stated that as the petitioner reported to the college on 7.11.2006 and he lost the seat in B.Pharmacy, the petitioner applied for B.Sc. (Nursing) course and was admitted into the said course.

Though, it is submitted by the learned counsel for the petitioner that no order of cancellation was passed by issuing any prior notice to the petitioner, but, once a candidate is allotted by the Convener, it is obligatory on the part of the candidate to report to the college concerned within the last date notified for admissions. If the candidate allotted by the Convener does not report to the college, it is always open for the management to fill up the vacant seat in the institutional spot admissions. Even according to the petitioner, though he was allotted a seat in the counselling held on 19.9.2006, he has reported to the college only on 7.11.2006 and by that time, the last date notified by the Convener was already over. Further, the concerned University i.e. Acharya Nagarjuna University had issued the academic schedule, as per which, classes have commenced from 9.10.2006. In that view of the matter, there is no case made out by the petitioner to declare the action of the respondents in not allowing the petitioner to prosecute the studies of first year B.Pharmacy in the second respondent-college.

However, as the petitioner is stated to have paid the required

fees and also submitted his original certificates during the counselling, the respondents are directed to refund the fees and return the certificates of the petitioner on his making an application in that regard.

Subject to above directions, the writ petition is disposed of. No costs.

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4.1.2007

R.SUBHASH REDDY, J.

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